

SECOND REGULAR SESSION

SENATE BILL NO. 1206

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR MAYER.

Read 1st time March 1, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

5331S.01I

AN ACT

To repeal sections 210.570, 210.580, 210.595, 210.600, and 210.610, RSMo, and to enact in lieu thereof two new sections relating to the interstate compact for juveniles, with a contingent effective date.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 210.570, 210.580, 210.595, 210.600, and 210.610, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 210.570 and 210.580, to read as follows:

210.570. This interstate compact for juveniles is entered with all jurisdictions legally joining the compact in the form substantially as follows:

THE INTERSTATE COMPACT FOR JUVENILES

ARTICLE I

PURPOSE

The compacting states to this Interstate Compact recognize that each state is responsible for the proper supervision or return of juveniles, delinquents and status offenders who are on probation or parole and who have absconded, escaped or run away from supervision and control and in so doing have endangered their own safety and the safety of others. The compacting states also recognize that each state is responsible for the safe return of juveniles who have run away from home and in doing so have left their state of residence. The compacting states also recognize that Congress, by enacting the Crime Control Act, 4 U.S.C. Section 112 (1965), has authorized and encouraged compacts for

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

17 cooperative efforts and mutual assistance in the prevention of crime.

18 It is the purpose of this compact, through means of joint and
19 cooperative action among the compacting states to: (A) ensure that the
20 adjudicated juveniles and status offenders subject to this compact are
21 provided adequate supervision and services in the receiving state as
22 ordered by the adjudicating judge or parole authority in the sending
23 state; (B) ensure that the public safety interests of the citizens,
24 including the victims of juvenile offenders, in both the sending and
25 receiving states are adequately protected; (C) return juveniles who
26 have run away, absconded or escaped from supervision or control or
27 have been accused of an offense to the state requesting their return; (D)
28 make contracts for the cooperative institutionalization in public
29 facilities in member states for delinquent youth needing special
30 services; (E) provide for the effective tracking and supervision of
31 juveniles; (F) equitably allocate the costs, benefits and obligations of
32 the compacting states; (G) establish procedures to manage the
33 movement between states of juvenile offenders released to the
34 community under the jurisdiction of courts, juvenile departments, or
35 any other criminal or juvenile justice agency which has jurisdiction
36 over juvenile offenders; (H) insure immediate notice to jurisdictions
37 where defined offenders are authorized to travel or to relocate across
38 state lines; (I) establish procedures to resolve pending charges
39 (detainers) against juvenile offenders prior to transfer or release to the
40 community under the terms of this compact; (J) establish a system of
41 uniform data collection on information pertaining to juveniles subject
42 to this compact that allows access by authorized juvenile justice and
43 criminal justice officials, and regular reporting of Compact activities
44 to heads of state executive, judicial, and legislative branches and
45 juvenile and criminal justice administrators; (K) monitor compliance
46 with rules governing interstate movement of juveniles and initiate
47 interventions to address and correct non-compliance; (L) coordinate
48 training and education regarding the regulation of interstate movement
49 of juveniles for officials involved in such activity; and (M) coordinate
50 the implementation and operation of the compact with the Interstate
51 Compact for the Placement of Children, the Interstate Compact for
52 Adult Offender Supervision and other compacts affecting juveniles
53 particularly in those cases where concurrent or overlapping

54 supervision issues arise. It is the policy of the compacting states that
55 the activities conducted by the Interstate Commission created herein
56 are the formation of public policies and therefore are public
57 business. Furthermore, the compacting states shall cooperate and
58 observe their individual and collective duties and responsibilities for
59 the prompt return and acceptance of juveniles subject to the provisions
60 of this compact. The provisions of this compact shall be reasonably and
61 liberally construed to accomplish the purposes and policies of the
62 compact.

63 ARTICLE II 64 DEFINITIONS

65 As used in this compact, unless the context clearly requires a
66 different construction:

67 A. "Bylaws" means: those bylaws established by the Interstate
68 Commission for its governance, or for directing or controlling its
69 actions or conduct.

70 B. "Compact Administrator" means: the individual in each
71 compacting state appointed pursuant to the terms of this compact,
72 responsible for the administration and management of the state's
73 supervision and transfer of juveniles subject to the terms of this
74 compact, the rules adopted by the Interstate Commission and policies
75 adopted by the State Council under this compact.

76 C. "Compacting State" means: any state which has enacted the
77 enabling legislation for this compact.

78 D. "Commissioner" means: the voting representative of each
79 compacting state appointed pursuant to Article III of this compact.

80 E. "Court" means: any court having jurisdiction over delinquent,
81 neglected, or dependent children.

82 F. "Deputy Compact Administrator" means: the individual, if any,
83 in each compacting state appointed to act on behalf of a Compact
84 Administrator pursuant to the terms of this compact responsible for the
85 administration and management of the state's supervision and transfer
86 of juveniles subject to the terms of this compact, the rules adopted by
87 the Interstate Commission and policies adopted by the State Council
88 under this compact.

89 G. "Interstate Commission" means: the Interstate Commission for
90 Juveniles created by Article III of this compact.

91 H. "Juvenile" means: any person defined as a juvenile in any
92 member state or by the rules of the Interstate Commission, including:

93 (1) Accused Delinquent - a person charged with an offense that,
94 if committed by an adult, would be a criminal offense;

95 (2) Adjudicated Delinquent - a person found to have committed
96 an offense that, if committed by an adult, would be a criminal offense;

97 (3) Accused Status Offender - a person charged with an offense
98 that would not be a criminal offense if committed by an adult;

99 (4) Adjudicated Status Offender - a person found to have
100 committed an offense that would not be a criminal offense if committed
101 by an adult; and

102 (5) Non-Offender - a person in need of supervision who has not
103 been accused or adjudicated a status offender or delinquent.

104 I. "Non-Compacting state" means: any state which has not enacted
105 the enabling legislation for this compact.

106 J. "Probation or Parole" means: any kind of supervision or
107 conditional release of juveniles authorized under the laws of the
108 compacting states.

109 K. "Rule" means: a written statement by the Interstate
110 Commission promulgated pursuant to Article VI of this compact that is
111 of general applicability, implements, interprets or prescribes a policy
112 or provision of the Compact, or an organizational, procedural, or
113 practice requirement of the commission, and has the force and effect
114 of statutory law in a compacting state, and includes the amendment,
115 repeal, or suspension of an existing rule.

116 L. "State" means: a state of the United States, the District of
117 Columbia (or its designee), the Commonwealth of Puerto Rico, the U.S.
118 Virgin Islands, Guam, American Samoa, and the Northern Marianas
119 Islands.

120 ARTICLE III

121 INTERSTATE COMMISSION FOR JUVENILES

122 A. The compacting states hereby create the "Interstate
123 Commission for Juveniles." The commission shall be a body corporate
124 and joint agency of the compacting states. The commission shall have
125 all the responsibilities, powers and duties set forth herein, and such
126 additional powers as may be conferred upon it by subsequent action of
127 the respective legislatures of the compacting states in accordance with

128 the terms of this compact.

129 B. The Interstate Commission shall consist of commissioners
130 appointed by the appropriate appointing authority in each state
131 pursuant to the rules and requirements of each compacting state and
132 in consultation with the State Council for Interstate Juvenile
133 Supervision created hereunder. The commissioner shall be the compact
134 administrator, deputy compact administrator or designee from that
135 state who shall serve on the Interstate Commission in such capacity
136 under or pursuant to the applicable law of the compacting state.

137 C. In addition to the commissioners who are the voting
138 representatives of each state, the Interstate Commission shall include
139 individuals who are not commissioners, but who are members of
140 interested organizations. Such non-commissioner members must
141 include a member of the national organizations of governors,
142 legislators, state chief justices, attorneys general, Interstate Compact
143 for Adult Offender Supervision, Interstate Compact for the Placement
144 of Children, juvenile justice and juvenile corrections officials, and
145 crime victims. All non-commissioner members of the Interstate
146 Commission shall be ex-officio (non-voting) members. The Interstate
147 Commission may provide in its bylaws for such additional ex-officio
148 (non-voting) members, including members of other national
149 organizations, in such numbers as shall be determined by the
150 commission.

151 D. Each compacting state represented at any meeting of the
152 commission is entitled to one vote. A majority of the compacting states
153 shall constitute a quorum for the transaction of business, unless a
154 larger quorum is required by the bylaws of the Interstate Commission.

155 E. The commission shall meet at least once each calendar
156 year. The chairperson may call additional meetings and, upon the
157 request of a simple majority of the compacting states, shall call
158 additional meetings. Public notice shall be given of all meetings and
159 meetings shall be open to the public.

160 F. The Interstate Commission shall establish an executive
161 committee, which shall include commission officers, members, and
162 others as determined by the bylaws. The executive committee shall
163 have the power to act on behalf of the Interstate Commission during
164 periods when the Interstate Commission is not in session, with the

165 exception of rulemaking and/or amendment to the compact. The
166 executive committee shall oversee the day-to-day activities of the
167 administration of the compact managed by an executive director and
168 Interstate Commission staff; administers enforcement and compliance
169 with the provisions of the compact, its bylaws and rules, and performs
170 such other duties as directed by the Interstate Commission or set forth
171 in the bylaws.

172 G. Each member of the Interstate Commission shall have the
173 right and power to cast a vote to which that compacting state is
174 entitled and to participate in the business and affairs of the Interstate
175 Commission. A member shall vote in person and shall not delegate a
176 vote to another compacting state. However, a commissioner, in
177 consultation with the state council, shall appoint another authorized
178 representative, in the absence of the commissioner from that state, to
179 cast a vote on behalf of the compacting state at a specified
180 meeting. The bylaws may provide for members' participation in
181 meetings by telephone or other means of telecommunication or
182 electronic communication.

183 H. The Interstate Commission's bylaws shall establish conditions
184 and procedures under which the Interstate Commission shall make its
185 information and official records available to the public for inspection
186 or copying. The Interstate Commission may exempt from disclosure
187 any information or official records to the extent they would adversely
188 affect personal privacy rights or proprietary interests.

189 I. Public notice shall be given of all meetings and all meetings
190 shall be open to the public, except as set forth in the Rules or as
191 otherwise provided in the Compact. The Interstate Commission and
192 any of its committees may close a meeting to the public where it
193 determines by two-thirds vote that an open meeting would be likely to:

194 1. Relate solely to the Interstate Commission's internal personnel
195 practices and procedures;

196 2. Disclose matters specifically exempted from disclosure by
197 statute;

198 3. Disclose trade secrets or commercial or financial information
199 which is privileged or confidential;

200 4. Involve accusing any person of a crime, or formally censuring
201 any person;

202 5. Disclose information of a personal nature where disclosure
203 would constitute a clearly unwarranted invasion of personal privacy;

204 6. Disclose investigative records compiled for law enforcement
205 purposes;

206 7. Disclose information contained in or related to examination,
207 operating or condition reports prepared by, or on behalf of or for the
208 use of, the Interstate Commission with respect to a regulated person or
209 entity for the purpose of regulation or supervision of such person or
210 entity;

211 8. Disclose information, the premature disclosure of which would
212 significantly endanger the stability of a regulated person or entity; or

213 9. Specifically relate to the Interstate Commission's issuance of
214 a subpoena, or its participation in a civil action or other legal
215 proceeding.

216 J. For every meeting closed pursuant to this provision, the
217 Interstate Commission's legal counsel shall publicly certify that, in the
218 legal counsel's opinion, the meeting may be closed to the public, and
219 shall reference each relevant exemptive provision. The Interstate
220 Commission shall keep minutes which shall fully and clearly describe
221 all matters discussed in any meeting and shall provide a full and
222 accurate summary of any actions taken, and the reasons therefore,
223 including a description of each of the views expressed on any item and
224 the record of any roll call vote (reflected in the vote of each member on
225 the question). All documents considered in connection with any action
226 shall be identified in such minutes.

227 K. The Interstate Commission shall collect standardized data
228 concerning the interstate movement of juveniles as directed through its
229 rules which shall specify the data to be collected, the means of
230 collection and data exchange and reporting requirements. Such
231 methods of data collection, exchange and reporting shall insofar as is
232 reasonably possible conform to up-to-date technology and coordinate
233 its information functions with the appropriate repository of records.

234 ARTICLE IV

235 POWERS AND DUTIES OF THE INTERSTATE COMMISSION

236 The commission shall have the following powers and duties:

- 237 1. To provide for dispute resolution among compacting states.
238 2. To promulgate rules to effect the purposes and obligations as

239 enumerated in this compact, which shall have the force and effect of
240 statutory law and shall be binding in the compacting states to the
241 extent and in the manner provided in this compact.

242 3. To oversee, supervise and coordinate the interstate movement
243 of juveniles subject to the terms of this compact and any bylaws
244 adopted and rules promulgated by the Interstate Commission.

245 4. To enforce compliance with the compact provisions, the rules
246 promulgated by the Interstate Commission, and the bylaws, using all
247 necessary and proper means, including but not limited to the use of
248 judicial process.

249 5. To establish and maintain offices which shall be located within
250 one or more of the compacting states.

251 6. To purchase and maintain insurance and bonds.

252 7. To borrow, accept, hire or contract for services of personnel.

253 8. To establish and appoint committees and hire staff which it
254 deems necessary for the carrying out of its functions including, but not
255 limited to, an executive committee as required by Article III which
256 shall have the power to act on behalf of the Interstate Commission in
257 carrying out its powers and duties hereunder.

258 9. To elect or appoint such officers, attorneys, employees, agents,
259 or consultants, and to fix their compensation, define their duties and
260 determine their qualifications; and to establish the Interstate
261 Commission's personnel policies and programs relating to, inter alia,
262 conflicts of interest, rates of compensation, and qualifications of
263 personnel.

264 10. To accept any and all donations and grants of money,
265 equipment, supplies, materials, and services, and to receive, utilize, and
266 dispose of it.

267 11. To lease, purchase, accept contributions or donations of, or
268 otherwise to own, hold, improve or use any property, real, personal, or
269 mixed.

270 12. To sell, convey, mortgage, pledge, lease, exchange, abandon,
271 or otherwise dispose of any property, real, personal or mixed.

272 13. To establish a budget and make expenditures and levy dues
273 as provided in Article VIII of this compact.

274 14. To sue and be sued.

275 15. To adopt a seal and bylaws governing the management and

276 operation of the Interstate Commission.

277 16. To perform such functions as may be necessary or
278 appropriate to achieve the purposes of this compact.

279 17. To report annually to the legislatures, governors, judiciary,
280 and state councils of the compacting states concerning the activities of
281 the Interstate Commission during the preceding year. Such reports
282 shall also include any recommendations that may have been adopted by
283 the Interstate Commission.

284 18. To coordinate education, training and public awareness
285 regarding the interstate movement of juveniles for officials involved in
286 such activity.

287 19. To establish uniform standards of the reporting, collecting
288 and exchanging of data.

289 20. The Interstate Commission shall maintain its corporate books
290 and records in accordance with the Bylaws.

291 ARTICLE V

292 ORGANIZATION AND OPERATION OF THE INTERSTATE

293 COMMISSION

294 Section A. Bylaws

295 1. The Interstate Commission shall, by a majority of the members
296 present and voting, within twelve months after the first Interstate
297 Commission meeting, adopt bylaws to govern its conduct as may be
298 necessary or appropriate to carry out the purposes of the compact,
299 including, but not limited to:

300 a. Establishing the fiscal year of the Interstate Commission;

301 b. Establishing an executive committee and such other
302 committees as may be necessary;

303 c. Provide for the establishment of committees governing any
304 general or specific delegation of any authority or function of the
305 Interstate Commission;

306 d. Providing reasonable procedures for calling and conducting
307 meetings of the Interstate Commission, and ensuring reasonable notice
308 of each such meeting;

309 e. Establishing the titles and responsibilities of the officers of
310 the Interstate Commission;

311 f. Providing a mechanism for concluding the operations of the
312 Interstate Commission and the return of any surplus funds that may

313 exist upon the termination of the Compact after the payment and/or
314 reserving of all of its debts and obligations;

315 g. Providing "start-up" rules for initial administration of the
316 compact; and

317 h. Establishing standards and procedures for compliance and
318 technical assistance in carrying out the compact.

Section B. Officers and Staff

2 1. The Interstate Commission shall, by a majority of the
3 members, elect annually from among its members a chairperson and a
4 vice chairperson, each of whom shall have such authority and duties as
5 may be specified in the bylaws. The chairperson or, in the
6 chairperson's absence or disability, the vice-chairperson shall preside
7 at all meetings of the Interstate Commission. The officers so elected
8 shall serve without compensation or remuneration from the Interstate
9 Commission; provided that, subject to the availability of budgeted
10 funds, the officers shall be reimbursed for any ordinary and necessary
11 costs and expenses incurred by them in the performance of their duties
12 and responsibilities as officers of the Interstate Commission.

13 2. The Interstate Commission shall, through its executive
14 committee, appoint or retain an executive director for such period,
15 upon such terms and conditions and for such compensation as the
16 Interstate Commission may deem appropriate. The executive director
17 shall serve as secretary to the Interstate Commission, but shall not be
18 a Member and shall hire and supervise such other staff as may be
19 authorized by the Interstate Commission.

Section C. Qualified Immunity, Defense and Indemnification

2 1. The commission's executive director and employees shall be
3 immune from suit and liability, either personally or in their official
4 capacity, for any claim for damage to or loss of property or personal
5 injury or other civil liability caused or arising out of or relating to any
6 actual or alleged act, error, or omission that occurred, or that such
7 person had a reasonable basis for believing occurred within the scope
8 of commission employment, duties, or responsibilities; provided, that
9 any such person shall not be protected from suit or liability for any
10 damage, loss, injury, or liability caused by the intentional or willful and
11 wanton misconduct of any such person.

12 2. The liability of any commissioner, or the employee or agent of

13 a commissioner, acting within the scope of such person's employment
14 or duties for acts, errors, or omissions occurring within such person's
15 state may not exceed the limits of liability set forth under the
16 Constitution and laws of that state for state officials, employees, and
17 agents. Nothing in this subsection shall be construed to protect any
18 such person from suit or liability for any damage, loss, injury, or
19 liability caused by the intentional or willful and wanton misconduct of
20 any such person.

21 3. The Interstate Commission shall defend the executive director
22 or the employees or representatives of the Interstate Commission and,
23 subject to the approval of the Attorney General of the state represented
24 by any commissioner of a compacting state, shall defend such
25 commissioner or the commissioner's representatives or employees in
26 any civil action seeking to impose liability arising out of any actual or
27 alleged act, error or omission that occurred within the scope of
28 Interstate Commission employment, duties or responsibilities, or that
29 the defendant had a reasonable basis for believing occurred within the
30 scope of Interstate Commission employment, duties, or responsibilities,
31 provided that the actual or alleged act, error, or omission did not result
32 from intentional or willful and wanton misconduct on the part of such
33 person.

34 4. The Interstate Commission shall indemnify and hold the
35 commissioner of a compacting state, or the commissioner's
36 representatives or employees, or the Interstate Commission's
37 representatives or employees, harmless in the amount of any settlement
38 or judgment obtained against such persons arising out of any actual or
39 alleged act, error, or omission that occurred within the scope of
40 Interstate Commission employment, duties, or responsibilities, or that
41 such persons had a reasonable basis for believing occurred within the
42 scope of Interstate Commission employment, duties, or responsibilities,
43 provided that the actual or alleged act, error, or omission did not result
44 from intentional or willful and wanton misconduct on the part of such
45 persons.

46 ARTICLE VI

47 RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

48 A. The Interstate Commission shall promulgate and publish rules
49 in order to effectively and efficiently achieve the purposes of the

50 compact.

51 B. Rulemaking shall occur pursuant to the criteria set forth in
52 this article and the bylaws and rules adopted pursuant thereto. Such
53 rulemaking shall substantially conform to the principles of the "Model
54 State Administrative Procedures Act," 1981 Act, Uniform Laws
55 Annotated, Vol. 15, p.1 (2000), or such other administrative procedures
56 act, as the Interstate Commission deems appropriate consistent with
57 due process requirements under the U.S. Constitution as now or
58 hereafter interpreted by the U.S. Supreme Court. All rules and
59 amendments shall become binding as of the date specified, as published
60 with the final version of the rule as approved by the commission.

61 C. When promulgating a rule, the Interstate Commission shall,
62 at a minimum:

63 1. publish the proposed rule's entire text stating the reason(s) for
64 that proposed rule;

65 2. allow and invite any and all persons to submit written data,
66 facts, opinions and arguments, which information shall be added to the
67 record, and be made publicly available;

68 3. provide an opportunity for an informal hearing if petitioned
69 by ten (10) or more persons; and

70 4. promulgate a final rule and its effective date, if appropriate,
71 based on input from state or local officials, or interested parties.

72 D. Allow, not later than sixty days after a rule is promulgated,
73 any interested person to file a petition in the United States District
74 Court for the District of Columbia or in the Federal District Court
75 where the Interstate Commission's principal office is located for
76 judicial review of such rule. If the court finds that the Interstate
77 Commission's action is not supported by substantial evidence in the
78 rulemaking record, the court shall hold the rule unlawful and set it
79 aside. For purposes of this subsection, evidence is substantial if it
80 would be considered substantial evidence under the Model State
81 Administrative Procedures Act.

82 E. If a majority of the legislatures of the compacting states
83 rejects a rule, those states may, by enactment of a statute or resolution
84 in the same manner used to adopt the compact, cause that such rule
85 shall have no further force and effect in any compacting state.

86 F. The existing rules governing the operation of the Interstate

87 **Compact on Juveniles superseded by this act shall be null and void**
88 **twelve (12) months after the first meeting of the Interstate Commission**
89 **created hereunder.**

90 **G. Upon determination by the Interstate Commission that a state-**
91 **of-emergency exists, it may promulgate an emergency rule which shall**
92 **become effective immediately upon adoption, provided that the usual**
93 **rulemaking procedures provided hereunder shall be retroactively**
94 **applied to said rule as soon as reasonably possible, but no later than**
95 **ninety (90) days after the effective date of the emergency rule.**

96 **ARTICLE VII**
97 **OVERSIGHT, ENFORCEMENT AND DISPUTE RESOLUTION**
98 **BY THE INTERSTATE COMMISSION**

99 **Section A. Oversight**

100 **1. The Interstate Commission shall oversee the administration**
101 **and operations of the interstate movement of juveniles subject to this**
102 **compact in the compacting states and shall monitor such activities**
103 **being administered in non-compacting states which may significantly**
104 **affect compacting states.**

105 **2. The courts and executive agencies in each compacting state**
106 **shall enforce this compact and shall take all actions necessary and**
107 **appropriate to effectuate the compact's purposes and intent. The**
108 **provisions of this compact and the rules promulgated hereunder shall**
109 **be received by all the judges, public officers, commissions, and**
110 **departments of the state government as evidence of the authorized**
111 **statute and administrative rules. All courts shall take judicial notice**
112 **of the compact and the rules. In any judicial or administrative**
113 **proceeding in a compacting state pertaining to the subject matter of**
114 **this compact which may affect the powers, responsibilities or actions**
115 **of the Interstate Commission, it shall be entitled to receive all service**
116 **of process in any such proceeding, and shall have standing to intervene**
117 **in the proceeding for all purposes.**

Section B. Dispute Resolution

2 **1. The compacting states shall report to the Interstate**
3 **Commission on all issues and activities necessary for the**
4 **administration of the compact as well as issues and activities**
5 **pertaining to compliance with the provisions of the compact and its**
6 **bylaws and rules.**

7 2. The Interstate Commission shall attempt, upon the request of
8 a compacting state, to resolve any disputes or other issues which are
9 subject to the compact and which may arise among compacting states
10 and between compacting and non-compacting states. The commission
11 shall promulgate a rule providing for both mediation and binding
12 dispute resolution for disputes among the compacting states.

13 3. The Interstate Commission, in the reasonable exercise of its
14 discretion, shall enforce the provisions and rules of this compact using
15 any or all means set forth in Article XI of this compact.

16 ARTICLE VIII

17 FINANCE

18 A. The Interstate Commission shall pay or provide for the
19 payment of the reasonable expenses of its establishment, organization
20 and ongoing activities.

21 B. The Interstate Commission shall levy on and collect an annual
22 assessment from each compacting state to cover the cost of the internal
23 operations and activities of the Interstate Commission and its staff
24 which must be in a total amount sufficient to cover the Interstate
25 Commission's annual budget as approved each year. The aggregate
26 annual assessment amount shall be allocated based upon a formula to
27 be determined by the Interstate Commission, taking into consideration
28 the population of each compacting state and the volume of interstate
29 movement of juveniles in each compacting state and shall promulgate
30 a rule binding upon all compacting states which governs said
31 assessment.

32 C. The Interstate Commission shall not incur any obligations of
33 any kind prior to securing the funds adequate to meet the same; nor
34 shall the Interstate Commission pledge the credit of any of the
35 compacting states, except by and with the authority of the compacting
36 state.

37 D. The Interstate Commission shall keep accurate accounts of all
38 receipts and disbursements. The receipts and disbursements of the
39 Interstate Commission shall be subject to the audit and accounting
40 procedures established under its bylaws. However, all receipts and
41 disbursements of funds handled by the Interstate Commission shall be
42 audited yearly by a certified or licensed public accountant and the
43 report of the audit shall be included in and become part of the annual

44 **report of the Interstate Commission.**

45 **ARTICLE IX**

46 **THE STATE COUNCIL**

47 **Each member state shall create a State Council for Interstate**
48 **Juvenile Supervision. While each state may determine the membership**
49 **of its own state council, its membership must include at least one**
50 **representative from the legislative, judicial, and executive branches of**
51 **government, victims groups, and the compact administrator, deputy**
52 **compact administrator or designee. Each compacting state retains the**
53 **right to determine the qualifications of the compact administrator or**
54 **deputy compact administrator. Each state council will advise and may**
55 **exercise oversight and advocacy concerning that state's participation**
56 **in Interstate Commission activities and other duties as may be**
57 **determined by that state, including but not limited to, development of**
58 **policy concerning operations and procedures of the compact within**
59 **that state.**

60 **ARTICLE X**

61 **COMPACTING STATES, EFFECTIVE DATE AND AMENDMENT**

62 **A. Any state, the District of Columbia (or its designee), the**
63 **Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American**
64 **Samoa, and the Northern Marianas Islands as defined in Article II of**
65 **this compact is eligible to become a compacting state.**

66 **B. The compact shall become effective and binding upon**
67 **legislative enactment of the compact into law by no less than 35 of the**
68 **states. The initial effective date shall be the later of July 1, 2004, or**
69 **upon enactment into law by the 35th jurisdiction. Thereafter, it shall**
70 **become effective and binding as to any other compacting state upon**
71 **enactment of the compact into law by that state. The governors of non-**
72 **member states or their designees shall be invited to participate in the**
73 **activities of the Interstate Commission on a non-voting basis prior to**
74 **adoption of the compact by all states and territories of the United**
75 **States.**

76 **C. The Interstate Commission may propose amendments to the**
77 **compact for enactment by the compacting states. No amendment shall**
78 **become effective and binding upon the Interstate Commission and the**
79 **compacting states unless and until it is enacted into law by unanimous**
80 **consent of the compacting states.**

81 **ARTICLE XI**
82 **WITHDRAWAL, DEFAULT, TERMINATION AND JUDICIAL**
83 **ENFORCEMENT**

Section A. Withdrawal

2 1. Once effective, the compact shall continue in force and remain
3 binding upon each and every compacting state; provided that a
4 compacting state may withdraw from the compact by specifically
5 repealing the statute which enacted the compact into law.

6 2. The effective date of withdrawal is the effective date of the
7 repeal.

8 3. The withdrawing state shall immediately notify the
9 chairperson of the Interstate Commission in writing upon the
10 introduction of legislation repealing this compact in the withdrawing
11 state. The Interstate Commission shall notify the other compacting
12 states of the withdrawing state's intent to withdraw within sixty days
13 of its receipt thereof.

14 4. The withdrawing state is responsible for all assessments,
15 obligations and liabilities incurred through the effective date of
16 withdrawal, including any obligations, the performance of which
17 extend beyond the effective date of withdrawal.

18 5. Reinstatement following withdrawal of any compacting state
19 shall occur upon the withdrawing state reenacting the compact or upon
20 such later date as determined by the Interstate Commission.

Section B. Technical Assistance, Fines, Suspension, Termination
2 **and Default**

3 1. If the Interstate Commission determines that any compacting
4 state has at any time defaulted in the performance of any of its
5 obligations or responsibilities under this compact, or the bylaws or
6 duly promulgated rules, the Interstate Commission may impose any or
7 all of the following penalties:

8 a. Remedial training and technical assistance as directed by the
9 Interstate Commission;

10 b. Alternative Dispute Resolution;

11 c. Fines, fees, and costs in such amounts as are deemed to be
12 reasonable as fixed by the Interstate Commission; and

13 d. Suspension or termination of membership in the compact,
14 which shall be imposed only after all other reasonable means of

15 securing compliance under the bylaws and rules have been exhausted
16 and the Interstate Commission has therefore determined that the
17 offending state is in default. Immediate notice of suspension shall be
18 given by the Interstate Commission to the Governor, the Chief Justice
19 or the Chief Judicial Officer of the state, the Majority and Minority
20 Leaders of the defaulting state's legislature, and the state council. The
21 grounds for default include, but are not limited to, failure of a
22 compacting state to perform such obligations or responsibilities
23 imposed upon it by this compact, the bylaws, or duly promulgated rules
24 and any other grounds designated in commission bylaws and rules. The
25 Interstate Commission shall immediately notify the defaulting state in
26 writing of the penalty imposed by the Interstate Commission and of the
27 default pending a cure of the default. The commission shall stipulate
28 the conditions and the time period within which the defaulting state
29 must cure its default. If the defaulting state fails to cure the default
30 within the time period specified by the commission, the defaulting state
31 shall be terminated from the compact upon an affirmative vote of a
32 majority of the compacting states and all rights, privileges and benefits
33 conferred by this compact shall be terminated from the effective date
34 of termination.

35 2. Within sixty days of the effective date of termination of a
36 defaulting state, the commission shall notify the Governor, the Chief
37 Justice or Chief Judicial Officer, the Majority and Minority Leaders of
38 the defaulting state's legislature, and the state council of such
39 termination.

40 3. The defaulting state is responsible for all assessments,
41 obligations and liabilities incurred through the effective date of
42 termination including any obligations, the performance of which
43 extends beyond the effective date of termination.

44 4. The Interstate Commission shall not bear any costs relating to
45 the defaulting state unless otherwise mutually agreed upon in writing
46 between the Interstate Commission and the defaulting state.

47 5. Reinstatement following termination of any compacting state
48 requires both a reenactment of the compact by the defaulting state and
49 the approval of the Interstate Commission pursuant to the rules.

Section C. Judicial Enforcement

2 The Interstate Commission may, by majority vote of the members,

3 initiate legal action in the United States District Court for the District
4 of Columbia or, at the discretion of the Interstate Commission, in the
5 federal district where the Interstate Commission has its offices, to
6 enforce compliance with the provisions of the compact, its duly
7 promulgated rules and bylaws, against any compacting state in default.
8 In the event judicial enforcement is necessary the prevailing party
9 shall be awarded all costs of such litigation including reasonable
10 attorneys fees.

Section D. Dissolution of Compact

2 1. The compact dissolves effective upon the date of the
3 withdrawal or default of the compacting state, which reduces
4 membership in the compact to one compacting state.

5 2. Upon the dissolution of this compact, the compact becomes
6 null and void and shall be of no further force or effect, and the business
7 and affairs of the Interstate Commission shall be concluded and any
8 surplus funds shall be distributed in accordance with the bylaws.

ARTICLE XII

SEVERABILITY AND CONSTRUCTION

11 A. The provisions of this compact shall be severable, and if any
12 phrase, clause, sentence or provision is deemed unenforceable, the
13 remaining provisions of the compact shall be enforceable.

14 B. The provisions of this compact shall be liberally construed to
15 effectuate its purposes.

ARTICLE XIII

BINDING EFFECT OF COMPACT AND OTHER LAWS

Section A. Other Laws

18 1. Nothing herein prevents the enforcement of any other law of
19 a compacting state that is not inconsistent with this compact.
20

21 2. All compacting states' laws other than state Constitutions and
22 other interstate compacts conflicting with this compact are superseded
23 to the extent of the conflict.

Section B. Binding Effect of the Compact

24 1. All lawful actions of the Interstate Commission, including all
25 rules and bylaws promulgated by the Interstate Commission, are
26 binding upon the compacting states.
27

28 2. All agreements between the Interstate Commission and the
29 compacting states are binding in accordance with their terms.

30 **3. Upon the request of a party to a conflict over meaning or**
31 **interpretation of Interstate Commission actions, and upon a majority**
32 **vote of the compacting states, the Interstate Commission may issue**
33 **advisory opinions regarding such meaning or interpretation.**

34 **4. In the event any provision of this compact exceeds the**
35 **constitutional limits imposed on the legislature of any compacting**
36 **state, the obligations, duties, powers or jurisdiction sought to be**
37 **conferred by such provision upon the Interstate Commission shall be**
38 **ineffective and such obligations, duties, powers or jurisdiction shall**
39 **remain in the compacting state and shall be exercised by the agency**
40 **thereof to which such obligations, duties, powers or jurisdiction are**
41 **delegated by law in effect at the time this compact becomes effective.**

 210.580. The compact shall become **effective and** binding upon the state
2 of Missouri [when signed by the commissioners as herein provided and by the
3 proper authorities of any other state entering into the compact] **upon**
4 **legislative enactment of the compact into law by no less than thirty-five**
5 **of the states. The initial effective date shall be the later of August 28,**
6 **2006, or upon enactment into law by the thirty-fifth**
7 **jurisdiction. Thereafter it shall become effective and binding as to any**
8 **other compacting state upon enactment of the compact into law by that**
9 **state.**

 [210.570. Within sixty days after sections 210.570 to
2 210.600 become effective, the governor, by and with the advice and
3 consent of the senate, shall appoint three commissioners to enter
4 into a compact on behalf of the state of Missouri with other states.
5 If the senate is not in session at the time for making such
6 appointments, the governor shall make temporary appointments as
7 in the case of a vacancy. Any two of the commissioners so
8 appointed together with the attorney general of the state of
9 Missouri may act to enter into the following compact:

10 **INTERSTATE COMPACT ON JUVENILES**

11 The contracting states solemnly agree:

12 **ARTICLE I**

13 That juveniles who are not under proper supervision and
14 control, or who have absconded, escaped or run away, are likely to
15 endanger their own health, morals and welfare, and the health,

16 morals and welfare of others. The cooperation of the states party
17 to this compact is therefore necessary to provide for the welfare
18 and protection of juveniles and of the public with respect to (1)
19 cooperative supervision of delinquent juveniles on probation or
20 parole; (2) the return, from one state to another, of delinquent
21 juveniles who have escaped or absconded; (3) the return, from one
22 state to another, of nondelinquent juveniles who have run away
23 from home; and (4) additional measures for the protection of
24 juveniles and of the public, which any two or more of the party
25 states may find desirable to undertake cooperatively. In carrying
26 out the provisions of this compact the party states shall be guided
27 by the noncriminal, reformatory and protective policies which guide
28 their laws concerning delinquent, neglected or dependent juveniles
29 generally. It shall be the policy of the states party to this compact
30 to cooperate and observe their respective responsibilities for the
31 prompt return and acceptance of juveniles and delinquent juveniles
32 who become subject to the provisions of this compact. The
33 provisions of this compact shall be reasonably and liberally
34 construed to accomplish the foregoing purposes.

35 ARTICLE II

36 That all remedies and procedures provided by this compact
37 shall be in addition to and not in substitution for other rights,
38 remedies and procedures, and shall not be in derogation of parental
39 rights and responsibilities.

40 ARTICLE III

41 That, for the purposes of this compact, "delinquent juvenile"
42 means any juvenile who has been adjudged delinquent and who, at
43 the time the provisions of this compact are invoked, is still subject
44 to the jurisdiction of the court that has made such adjudication or
45 to the jurisdiction or supervision of an agency or institution
46 pursuant to an order of such court; "probation or parole" means any
47 kind of conditional release of juveniles authorized under the laws
48 of the states party hereto; "court" means any court having
49 jurisdiction over delinquent, neglected or dependent children;
50 "state" means any state, territory or possession of the United
51 States, the District of Columbia, and the Commonwealth of Puerto

Rico; and "residence" or any variant thereof means a place at which a home or regular place of abode is maintained.

ARTICLE IV

(a) That the parent, guardian, person or agency entitled to legal custody of a juvenile who has not been adjudged delinquent but who has run away without the consent of such parent, guardian, person or agency may petition the appropriate court in the demanding state for the issuance of a requisition for his return. The petition shall state the name and age of the juvenile, the name of the petitioner and the basis of entitlement to the juvenile's custody, the circumstances of his running away, his location if known at the time application is made, and such other facts as may tend to show that the juvenile who has run away is endangering his own welfare or the welfare of others and is not an emancipated minor. The petition shall be verified by affidavit, shall be executed in duplicate, and shall be accompanied by two certified copies of the document or documents on which the petitioner's entitlement to the juvenile's custody is based, such as birth certificates, letters of guardianship, or custody decrees. Such further affidavits and other documents as may be deemed proper may be submitted with such petition. The judge of the court to which this application is made may hold a hearing thereon to determine whether for the purposes of this compact the petitioner is entitled to the legal custody of the juvenile, whether or not it appears that the juvenile has in fact run away without consent, whether or not he is an emancipated minor, and whether or not it is in the best interest of the juvenile to compel his return to the state. If the judge determines, either with or without a hearing, that the juvenile should be returned, he shall present to the appropriate court or to the executive authority of the state where the juvenile is alleged to be located a written requisition for the return of such juvenile. Such requisition shall set forth the name and age of the juvenile, the determination of the court that the juvenile has run away without the consent of a parent, guardian, person or agency entitled to his legal custody, and that it is in the best interest and for the protection of such juvenile that he be

88 returned. In the event that a proceeding for the adjudication of the
89 juvenile as a delinquent, neglected or dependent juvenile is
90 pending in the court at the time when such juvenile runs away, the
91 court may issue a requisition for the return of such juvenile upon
92 its own motion, regardless of the consent of the parent, guardian,
93 person or agency entitled to legal custody, reciting therein the
94 nature and circumstances of the pending proceeding. The
95 requisition shall in every case be executed in duplicate and shall
96 be signed by the judge. One copy of the requisition shall be filed
97 with the compact administrator of the demanding state, there to
98 remain on file subject to the provisions of law governing records of
99 such court. Upon the receipt of a requisition demanding the return
100 of a juvenile who has run away, the court or the executive
101 authority to whom the requisition is addressed shall issue an order
102 to any peace officer or other appropriate person directing him to
103 take into custody and detain such juvenile. Such detention order
104 must substantially recite the facts necessary to the validity of its
105 issuance hereunder. No juvenile detained upon such order shall be
106 delivered over to the officer whom the court demanding him shall
107 have appointed to receive him, unless he shall first be taken
108 forthwith before a judge of a court in the state, who shall inform
109 him of the demand made for his return, and who may appoint
110 counsel or guardian ad litem for him. If the judge of such court
111 shall find that the requisition is in order, he shall deliver such
112 juvenile over to the officer whom the court demanding him shall
113 have appointed to receive him. The judge, however, may fix a
114 reasonable time to be allowed for the purpose of testing the legality
115 of the proceeding.

116 Upon reasonable information that a person is a juvenile who
117 has run away from another state party to this compact without the
118 consent of a parent, guardian, person or agency entitled to his legal
119 custody, such juvenile may be taken into custody without a
120 requisition and brought forthwith before a judge of the appropriate
121 court who may appoint counsel or guardian ad litem for such
122 juvenile and who shall determine after a hearing whether sufficient
123 cause exists to hold the person, subject to the order of the court, for

his own protection and welfare, for such a time not exceeding ninety days as will enable his return to another state party to this compact pursuant to a requisition for his return from a court of that state. If, at the time when a state seeks the return of a juvenile who has run away, there is pending in the state wherein he is found any criminal charge, or any proceeding to have him adjudicated a delinquent juvenile for an act committed in such state, or if he is suspected of having committed within such state a criminal offense or an act of juvenile delinquency, he shall not be returned without the consent of such state until discharged from prosecution or other form of proceeding, imprisonment, detention or supervision for such offense or juvenile delinquency. The duly accredited officers of any state party to this compact, upon the establishment of their authority and the identity of the juvenile being returned, shall be permitted to transport such juvenile through any and all states party to this compact, without interference. Upon his return to the state from which he ran away, the juvenile shall be subject to such further proceedings as may be appropriate under the laws of that state.

(b) That the state to which a juvenile is returned under this Article shall be responsible for payment of the transportation costs of such return.

(c) That "juvenile" as used in this Article means any person who is a minor under the law of the state of residence of the parent, guardian, person or agency entitled to the legal custody of such minor.

ARTICLE V

(a) That the appropriate person or authority from whose probation or parole supervision a delinquent juvenile has absconded or from whose institutional custody he has escaped shall present to the appropriate court or to the executive authority of the state where the delinquent juvenile is alleged to be located a written requisition for the return of such delinquent juvenile. Such requisition shall state the name and age of the delinquent juvenile, the particulars of his adjudication as a delinquent juvenile, the circumstances of the breach of the terms of his probation or parole

160 or of his escape from an institution or agency vested with his legal
161 custody or supervision, and the location of such delinquent
162 juvenile, if known, at the time the requisition is made. The
163 requisition shall be verified by affidavit, shall be executed in
164 duplicate, and shall be accompanied by two certified copies of the
165 judgment, formal adjudication, or order of commitment which
166 subjects such delinquent juvenile to probation or parole or to the
167 legal custody of the institution or agency concerned. Such further
168 affidavits and other documents as may be deemed proper may be
169 submitted with such requisition. One copy of the requisition shall
170 be filed with the compact administrator of the demanding state,
171 there to remain on file subject to the provisions of law governing
172 records of the appropriate court. Upon the receipt of a requisition
173 demanding the return of a delinquent juvenile who has absconded
174 or escaped, the court or the executive authority to whom the
175 requisition is addressed shall issue an order to any peace officer or
176 other appropriate person directing him to take into custody and
177 detain such delinquent juvenile. Such detention order must
178 substantially recite the facts necessary to the validity of the
179 issuance hereunder. No delinquent juvenile detained upon such
180 order shall be delivered over to the officer whom the appropriate
181 person or authority demanding him shall have appointed to receive
182 him, unless he shall first be taken forthwith before a judge of an
183 appropriate court in the state, who shall inform him of the demand
184 made for his return and who may appoint counsel or guardian ad
185 litem for him. If the judge of such court shall find that the
186 requisition is in order, he shall deliver such delinquent juvenile
187 over to the officer whom the appropriate person or authority
188 demanding him shall have appointed to receive him. The judge,
189 however, may fix a reasonable time to be allowed for the purpose
190 of testing the legality of the proceeding.

191 Upon reasonable information that a person is a delinquent
192 juvenile who has absconded while on probation or parole, or
193 escaped from an institution or agency vested with his legal custody
194 or supervision in any state party to this compact, such person may
195 be taken into custody in any other state party to this compact

without a requisition. But in such event, he must be taken forthwith before a judge of the appropriate court, who may appoint counsel or guardian ad litem for such person and who shall determine, after a hearing, whether sufficient cause exists to hold the person subject to the order of the court for such a time, not exceeding ninety days, as will enable his detention under a detention order issued on a requisition pursuant to this Article. If, at the time when a state seeks the return of a delinquent juvenile who has either absconded while on probation or parole or escaped from an institution or agency vested with his legal custody or supervision, there is pending in the state wherein he is detained any criminal charge or any proceeding to have him adjudicated a delinquent juvenile for an act committed in such state, or if he is suspected of having committed within such state a criminal offense or an act of juvenile delinquency, he shall not be returned without the consent of such state until discharged from prosecution or other form of proceeding, imprisonment, detention or supervision for such offense or juvenile delinquency. The duly accredited officers of any state party to this compact, upon the establishment of their authority and the identity of the delinquent juvenile being returned, shall be permitted to transport such delinquent juvenile through any and all states party to this compact, without interference. Upon his return to the state from which he escaped or absconded, the delinquent juvenile shall be subject to such further proceedings as may be appropriate under the laws of that state.

(b) That the state to which a delinquent juvenile is returned under this Article shall be responsible for payment of the transportation costs of such return.

ARTICLE VI

That any delinquent juvenile who has absconded while on probation or parole, or escaped from an institution or agency vested with his legal custody or supervision in any state party to this compact, and any juvenile who has run away from any state party to this compact, who is taken into custody without a requisition in another state party to this compact under the provisions of Article

IV(a) or of Article V(a), may consent to his immediate return to the state from which he absconded, escaped or ran away. Such consent shall be given by the juvenile or delinquent juvenile and his counsel or guardian ad litem if any, by executing or subscribing a writing, in the presence of a judge of the appropriate court, which states that the juvenile or delinquent juvenile and his counsel or guardian ad litem, if any, consent to his return to the demanding state. Before such consent shall be executed or subscribed, however, the judge, in the presence of counsel or guardian ad litem, if any, shall inform the juvenile or delinquent juvenile of his rights under this compact. When the consent has been duly executed, it shall be forwarded to and filed with the compact administrator of the state in which the court is located and the judge shall direct the officer having the juvenile or delinquent juvenile in custody to deliver him to the duly accredited officer or officers of the state demanding his return, and shall cause to be delivered to such officer or officers a copy of the consent. The court may, however, upon the request of the state to which the juvenile or delinquent juvenile is being returned, order him to return unaccompanied to such state and shall provide him with a copy of such court order; in such event a copy of the consent shall be forwarded to the compact administrator of the state to which said juvenile or delinquent juvenile is ordered to return.

ARTICLE VII

(a) That the duly constituted judicial and administrative authorities of a state party to this compact (herein called "sending state") may permit any delinquent juvenile within such state, placed on probation or parole, to reside in any other state party to this compact (herein called "receiving state") while on probation or parole, and the receiving state shall accept such delinquent juvenile, if the parent, guardian or person entitled to the legal custody of such delinquent juvenile is residing or undertakes to reside within the receiving state. Before granting such permission, opportunity shall be given to the receiving state to make such investigations as it deems necessary. The authorities of the sending state shall send to the authorities of the receiving state

copies of pertinent court orders, social case studies and all other available information which may be of value to and assist the receiving state in supervising a probationer or parolee under this compact. A receiving state, in its discretion, may agree to accept supervision of a probationer or parolee in cases where the parent, guardian or person entitled to the legal custody of the delinquent juvenile is not a resident of the receiving state, and if so accepted the sending state may transfer supervision accordingly.

(b) That each receiving state will assume the duties of visitation and of supervision over any such delinquent juvenile and in the exercise of those duties will be governed by the same standards of visitation and supervision that prevail for its own delinquent juveniles released on probation or parole.

(c) That, after consultation between the appropriate authorities of the sending state and of the receiving state as to the desirability and necessity of returning such a delinquent juvenile, the duly accredited officers of a sending state may enter a receiving state and there apprehend and retake any such delinquent juvenile on probation or parole. For that purpose, no formalities will be required, other than establishing the authority of the officer and the identity of the delinquent juvenile to be retaken and returned. The decision of the sending state to retake a delinquent juvenile on probation or parole shall be conclusive upon and not reviewable within the receiving state, but if, at the time the sending state seeks to retake a delinquent juvenile on probation or parole, there is pending against him within the receiving state any criminal charge or any proceeding to have him adjudicated a delinquent juvenile for any act committed in such state, or if he is suspected of having committed within such state a criminal offense or an act of juvenile delinquency, he shall not be returned without the consent of the receiving state until discharged from prosecution or other form of proceeding, imprisonment, detention or supervision for such offense or juvenile delinquency. The duly accredited officers of the sending state shall be permitted to transport delinquent juveniles being so returned through any and all states party to this compact, without interference.

304 (d) That the sending state shall be responsible under this
305 Article for paying the costs of transporting any delinquent juvenile
306 to the receiving state or of returning any delinquent juvenile to the
307 sending state.

308 ARTICLE VIII

309 (a) That the provisions of Articles IV(b), V(b) and VII(d) of
310 this compact shall not be construed to alter or affect any internal
311 relationship among the departments, agencies and officers of and
312 in the government of a party state, or between a party state and its
313 subdivisions, as to the payment of costs, or responsibilities
314 therefor.

315 (b) That nothing in this compact shall be construed to
316 prevent any party state or subdivision thereof from asserting any
317 right against any person, agency or other entity in regard to costs
318 for which such party state or subdivision thereof may be
319 responsible pursuant to Articles IV(b), V(b) or VII(d) of this
320 compact.

321 ARTICLE IX

322 That, to every extent possible, it shall be the policy of states
323 party to this compact that no juvenile or delinquent juvenile shall
324 be placed or detained in any prison, jail or lockup nor be detained
325 or transported in association with criminal, vicious or dissolute
326 persons.

327 ARTICLE X

328 That the duly constituted administrative authorities of a
329 state party to this compact may enter into supplementary
330 agreements with any other state or states party hereto for the
331 cooperative care, treatment and rehabilitation of delinquent
332 juveniles whenever they shall find that such agreements will
333 improve the facilities or programs available for such care,
334 treatment and rehabilitation. Such care, treatment and
335 rehabilitation may be provided in an institution located within any
336 state entering into such supplementary agreement. Such
337 supplementary agreements shall (1) provide the rates to be paid for
338 the care, treatment and custody of such delinquent juveniles,
339 taking into consideration the character of facilities, services and

340 subsistence furnished; (2) provide that the delinquent juvenile shall
341 be given a court hearing prior to his being sent to another state for
342 care, treatment and custody; (3) provide that the state receiving
343 such a delinquent juvenile in one of its institutions shall act solely
344 as agent for the state sending such delinquent juvenile; (4) provide
345 that the sending state shall at all times retain jurisdiction over
346 delinquent juveniles sent to an institution in another state; (5)
347 provide for reasonable inspection of such institutions by the
348 sending state; (6) provide that the consent of the parent, guardian,
349 person or agency entitled to the legal custody of said delinquent
350 juvenile shall be secured prior to his being sent to another state;
351 and (7) make provision for such other matters and details as shall
352 be necessary to protect the rights and equities of such delinquent
353 juveniles and of the cooperating states.

354 ARTICLE XI

355 That any state party to this compact may accept any and all
356 donations, gifts and grants of money, equipment and services from
357 the federal or any local government, or any agency thereof and
358 from any person, firm or corporation, for any of the purposes and
359 functions of this compact, and may receive and utilize the same
360 subject to the terms, conditions and regulations governing such
361 donations, gifts and grants.

362 ARTICLE XII

363 That the governor of each state party to this compact shall
364 designate an officer who, acting jointly with like officers of other
365 party states, shall promulgate rules and regulations to carry out
366 more effectively the terms and provisions of this compact.

367 ARTICLE XIII

368 That this compact shall become operative immediately upon
369 its execution by any state as between it and any other state or
370 states so executing. When executed it shall have the full force and
371 effect of law within such state, the form of execution to be in
372 accordance with the laws of the executing state.

373 ARTICLE XIV

374 That this compact shall continue in force and remain
375 binding upon each executing state until renounced by

376 it. Renunciation of this compact shall be by the same authority
377 which executed it, by sending six months' notice in writing of its
378 intention to withdraw from the compact to the other states party
379 hereto. The duties and obligations of a renouncing state under
380 Article VII hereof shall continue as to parolees and probationers
381 residing therein at the time of withdrawal until retaken or finally
382 discharged. Supplementary agreements entered into under Article
383 X hereof shall be subject to renunciation as provided by such
384 supplementary agreements, and shall not be subject to the six
385 months' renunciation notice of the present Article.

386 ARTICLE XV

387 That the provisions of this compact shall be severable and
388 if any phrase, clause, sentence or provision of this compact is
389 declared to be contrary to the constitution of any participating
390 state or of the United States or the applicability thereof to any
391 government, agency, person or circumstance is held invalid, the
392 validity of the remainder of this compact and the applicability
393 thereof to any government, agency, person or circumstance shall
394 not be affected thereby. If this compact shall be held contrary to
395 the constitution of any state participating therein, the compact
396 shall remain in full force and effect as to the remaining states and
397 in full force and effect as to the state affected as to all severable
398 matters.]

2 [210.595. The term "delinquent juvenile" as used in the
3 interstate compact on juveniles includes those persons subject to
4 the jurisdiction of the juvenile court within the meaning of
subdivisions (1) and (2) of section 211.031, RSMo.]

2 [210.600. The commission shall have power to apply to the
3 Congress of the United States for its consent and approval of the
4 compact; but in the absence of such consent of Congress and until
5 the same shall have been secured, the compact shall be binding
6 upon the state of Missouri in all respects permitted by law for the
7 signatory states without the consent of Congress to cooperate, for
8 the purposes enumerated in the compact, and in the manner
provided therein.]

[210.610. 1. This section shall provide remedies, and shall

2 be binding only as among and between those party states which
3 specifically adopt a similar section.

4 2. All provisions and procedures of article V and article VI
5 of section 210.570 shall be construed to apply to any juvenile
6 charged with being a delinquent by reason of violating any criminal
7 law which constitutes a felony. Any juvenile charged with being a
8 delinquent by reason of violating any criminal law which
9 constitutes a felony shall be returned to the requesting state upon
10 a requisition to the state where the juvenile may be found. A
11 petition in such case shall be filed in a court of competent
12 jurisdiction in the requesting state where the violation of criminal
13 law is alleged to have been committed. The petition may be filed
14 regardless of whether the juvenile has left the requesting state
15 before or after the filing of the petition. The requisition described
16 in article V of section 210.570 shall be forwarded by the judge of
17 the court in which the petition has been filed.]

Section B. The enactment of section 210.570 of Section A of this act, the
2 repeal and reenactment of section 210.580 of Section A of this act, and the repeal
3 of sections 210.570, 210.595, 210.600, and 210.610 of Section A of this act shall
4 become effective August 28, 2006, or upon legislative enactment of the compact
5 into law by no less than thirty-five of the states, whichever later occurs.

✓

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